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In re Application of	:	
PFAUS	:	
Application No.: 10/507,439	:	DECISION
PCT No.: PCT/EP03/02442	:	
Int. Filing Date: 10 March 2003	:	
Priority Date: 12 March 2002	:	
Attorney Docket No.: 298-261	:	
For: DEVICE FOR MANUALLY SHARPENING	:	
KNIVES AND OTHER BLADES, COMPRISING	:	
INTERCHANGABLY MOUNTED HARD METAL	:	
PLATES	:	

This decision is in response to applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 18 November 2004.

BACKGROUND

On 10 March 2003, applicant filed international application PCT/EP03/02442, which designated the U.S. and claimed a priority date of 12 March 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 18 September 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 September 2004 (12 September 2004 being a Sunday).

On 13 September 2004, applicant filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 18 November 2004, applicant filed the instant submission which was accompanied by, *inter alia*, a request for refund and an assertion of small entity status.

DISCUSSION

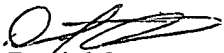
The request for refund filed 18 November 2004 in effect requests a refund of one-half of the fees submitted on 13 September 2004 and is accompanied by an assertion of small entity status. A refund pursuant to 37 CFR 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under 37 CFR 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. 37 CFR 1.28(a).

Here, an assertion of small entity status under 37 CFR 1.27(c) and a request for refund of the excess amount have been filed within three months of the timely payment of the full fee. Accordingly, Deposit Account 04-1121 has been credited \$460.

CONCLUSION

The request for refund under 37 CFR 1.26 is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.



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